

APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office AUG 09 1996

Returned to applicant for correction _____

Corrected application filed _____

Map filed AUG 09 1996

The applicant Independence Mining Company, Inc. hereby makes application for permission to change the point of diversion and place of use. of water heretofore appropriated under Permit #47413

1. The source of water is underground (Well #6)
2. The amount of water to be changed 1.5 c.f.s. (1085.4 acre feet)
3. The water to be used for mining, milling and domestic
4. The water heretofore permitted for Mining, milling & domestic
5. The water is to be diverted at the following point within the Lot 17 (NE1/4 NE1/4) Sec. 4, T.40 N., R.54 E., MDM, from which the NE corner of said Sec. 4 bears N.40° 39' E., 1,007 ft. dist.
6. The existing permitted point of diversion is located within SE 1/4 SW 1/4 Section 34, T.41 N., R.54 E., M.D.M. from which the SW corner of said Section 34 bears S. 70° 36' W., 2,640 ft. dist.
7. Proposed place of use T.39 N., R.53 E. M.D.M. - Sections 1 through 24; T.39 N., R.54 E. - Sections 5 through 8; 17 through 20; T.40 N., R.53 E. - all sections. T.40 N., R.54 E. - W 1/2 Section 3, 4 through 8, 17 through 20, 29 through 32; T.41 N., R. 53 E., - all sections, T.41 N., R.54 E., - Sections 5 through 8, 18 through 20, 29 through 33, W 1/2 34.
8. Existing place of use S 1/2, NW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4, all in Section 33, T.41 N., R. 54 E., M.D.M.
9. Use will be from January 1 to December 31 of each year.
10. Use was permitted from January 1 to December 31 of each year.
11. Description of proposed works drilled and cased well, (existing), with gravel packing submersible pump and motor, storage tanks or reservoir, and pipeline distribution network.
12. Estimated cost of works \$100,000.00
13. Estimated time required to construct works completed
14. Estimated time required to complete the application of water to beneficial use ten years
15. Remarks: This change application is filed to transfer an ample duty to the new well #6 (permit #39881 + this change application), to balance with its pumping demand. The point of diversion described in this change application is approximately 78 feet southerly of that described for permit #39881; well originally drilled under #39881 was plugged and abandoned in 1990, following completion of the replacement well (see well driller's report; notice of intent No. 13636, by Humboldt Drilling & Pump Co., dated July 12, 1990, describing well plugging). Place of use is changed to the entire project area, although most water pumped will remain at mill site, as is the present practice.

By William A. Nisbet
421 Court Street
Elko, Nevada 89801

Compared By lew/gkl cl/bk

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 47413 is issued subject to the terms and conditions imposed in said Permit 47413 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The total combined duty of water under Permits 39881, 42687, 47148, 47413, 47414, 48175, 54617, 58426-E, 58427-E, 58428-E, 58429-E, 58430-E, 58431-E, 58432-E, 58433-E, 58744-E, 59274, 61722, 61740-E, 61780-E, 61781-E, 61946 and 62374 shall not exceed 5,834.9 acre-feet annually.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from the well and the amount of water used.

(CONTINUED ON PAGE 2)

(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.5 cubic feet per second, but not to exceed 1,085.42 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed

on or before:

September 18, 1997

Proof of completion of work shall be filed before:

October 18, 1997

Application of water to beneficial use shall be filed on or before:

September 18, 1998

Proof of the application of water to beneficial use shall be filed on or before:

October 18, 1998

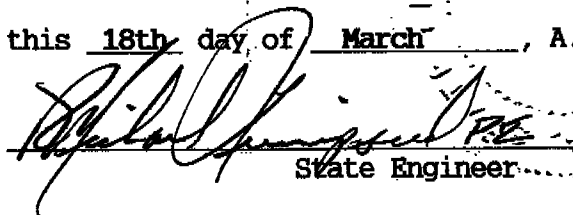
Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,
State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 18th day of March, A.D. 1997


State Engineer

Completion of work filed NOV 21 1997

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

2000